

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

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13.12.2004

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| Date of mailing (day/month/year) 09 December 2004 (09.12.2004) | |
| Applicant's or agent's file reference Laufbogen | IMPORTANT NOTIFICATION |
| International application No. PCT/EP2002/004159 | International filing date (day/month/year) 15 April 2002 (15.04.2002) |
| Applicant HÖRMANN KG BROCKHAGEN et al | |

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

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The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

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Translation

PATENT COOPERATION TREATY

PCT/EP2002/004159



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference Laufbogen | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/EP2002/004159 | International filing date (day/month/year) 15 April 2002 (15.04.2002) | Priority date (day/month/year) 15 April 2002 (15.04.2002) |
| International Patent Classification (IPC) or national classification and IPC E05D 15/38 | | |
| Applicant HÖRMANN KG BROCKHAGEN | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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|---|--|
| Date of submission of the demand 13 November 2003 (13.11.2003) | Date of completion of this report 12 July 2004 (12.07.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2002/004159

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

the international application as originally filed.

the description, pages _____, as originally filed,
pages 2, 5-12, filed with the demand,
pages 1, 3, 4, filed with the letter of 29 April 2004 (29.04.2004),
pages _____, filed with the letter of _____.

the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-6, filed with the letter of 29 April 2004 (29.04.2004),
Nos. _____, filed with the letter of _____.

the drawings, sheets/fig 1/2-2/2, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/fig _____

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.
PCT/EP 02/04159

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------|---------|
| Novelty (N) | Claims | YES |
| | Claims | 1-6 NO |
| Inventive step (IS) | Claims | YES |
| | Claims | 1-6 NO |
| Industrial applicability (IA) | Claims | 1-6 YES |
| | Claims | NO |

2. Citations and explanations

1. Reference is made to the following document:

D1: EP-A-1 170 450 (OVERHEAD DOOR CORP) 9 January
2002

2. In D1, an angle between the tangents of 3 to 4° would have been possible owing to the finishing and production tolerances of the curved sections. This angle would not hinder movement of the door leaf.

All the features of claim 1 can thus be read from D1 and the present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

3. Dependent claims 2 to 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see documents D1 and D2 and the relevant passages of text indicated in the search report.